

REMARKS

Applicant has inserted on page 1 of the specification the reference to the PCT application as requested in item 9 of the Office Action.

Claim 10 was objected to under 37 C.F.R. 1.75(c) as improper. Furthermore, claims 1-9 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite with regard to the subject matter of the invention as claimed.

Applicant has cancelled claims 1-10 and has rewritten those claims as new claims 11-24. The new claims are in proper form and overcome any objection or rejection under 35 U.S.C. 112, second paragraph. Claims 23 and 24 are independent claims. Applicant has eliminated multiple dependent claims and alternative language in the claims. In view thereof the rejection and the objection should be withdrawn.

With regard to the specific objection to claim 9 as allegedly indefinite in view of the terms "nicotinic acid amide, panthenol and/or biotin", claim 9 (now claim 22) is properly dependent on former claim 1 (now claim 11). Claims 11 and 12 recite as components e) trace elements and vitamins. These three materials are vitamins in accordance with Merck Index. Therefore, the specific rejection to this claim should be withdrawn.

Reconsideration is respectfully requested of the rejection of claims 1-4 and 6-9 under 35 U.S.C. § 103(a) as allegedly unpatentable over Tokura, JP 61-96959 in view of DE 29617181 and/or Baensch DE 19704953. Claims 1-4 and 6-9 are now claims 11-16 and 18-22.

The Examiner stated that Tokura (Abstract, etc.) discloses "a water treatment composition containing a) Fe citrate, b) citric acid, as a water soluble N-free biologically decomposable organic compound, c) Ca lactate, as an alkaline earth metal salt, and e) Mn and Cu as trace elements or thiamine (vitamin B) and folic acid (vitamin B9)" (our emphasis added).

The Examiner's reading of Tokura, the Abstract is completely erroneous. First of all, the Tokura reference does not deal with a water treatment composition. The Abstract clearly states that the purpose of the Tokura invention is: "To obtain a bait for fish raising which has a small amount of dissolved nutritive substance during feeding in water, and has small change of quality

during storage, by injecting a liquid material of nutritive substances required for fish raising to fishes of bait." Thus, the Tokura reference deals with a liquid composition which is injected into fish and not a composition for water treatment of aquariums or garden ponds.

The Abstract also provides the constitution of this liquid material to be injected into fish and generally describes this liquid material as an aqueous solution, emulsion or suspension of nutritive substances, such as vitamins, minerals, amino acids, required for fish raising. There is nothing in the Tokura Abstract which describes the specific materials presently claimed in the present water treatment composition as the Examiner alleges. The Tokura reference is clearly irrelevant to the invention claimed.

The secondary references cannot be combined with Tokura to arrive at the present invention. In order to properly combine references, there must be a motivation or suggestion in one or another of the references to make this combination. Since Tokura does not deal with water treatment, one skilled in the art would not be motivated to read the secondary references into Tokura.

In any event, DE 29617181 deals with water treatment of improving aquarium water with natural means for reducing chlorine and other active chlorine compositions and with hydro- and/or bio-colloids. This does not address the problems solved or the composition employed by the present invention.

DE 19704953 is also different from the present invention since it deals with a two-component flocculating agent for cleaning an aquarium that is clouded by algae or extreme amounts of unicellular organisms.

It is clear that if the combinations of the German references were allowed to take place with Tokura, they do not fill the void of Tokura in arriving at the present invention as claimed.

The present invention deals with a water treatment system for aquariums and garden ponds in a unique manner by comprising a series of various ingredients in one composition to address various problems in water treatment. Bacteria and other microorganisms are especially active in filter system in aquariums or in the gravel or sand of the bottom-ground in garden ponds. The present invention uses this microorganism activity for improving the quality of the

water. The present invention combines particular inorganic cations with organic acid radicals to form salts and feed these salts to the microorganisms in the filter material or in the bottom ground in order to let the microorganisms decompose to organic parts of the salt. Thus, the decomposed salts, or organic complex salts change their properties by forming precipitates and releasing CO₂. The released CO₂ resulting from this decomposition is beneficial and influences the hardness of the water as well as also useful as a fertilizer for watering plants. The benefits of each ingredient in the present composition has been clearly pointed out in Applicant's specification. Nowhere does the prior art deal with these improvements by the present composition.


In view of the above, the Examiner's rejection is unwarranted and should be withdrawn.

Applicant acknowledges the allowability of claim 5 (now claim 17). In addition, claims 23 and 24 are independent claims which incorporate the limitation of claim 17.

It is respectfully submitted that the present amendment places the claims in condition for allowance. Favorable action on these claims is earnestly solicited.

Respectfully submitted,

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